

A meeting of the Jasper County Board of Zoning Appeals was held Monday, May 20, 2013 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Chris Healey, Jim Martin, and Eric Maple. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director and Kelli Standish, Secretary. Absent were: John Korniak and Daniel Reed.

Meeting was called to order by Chris Healey. The Pledge of Allegiance was recited. Mrs. Healey called for the first order of business.

Eric Maple made the motion to approve the April 2013 minutes. Motion was seconded by Jim Martin and carried unanimously.

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Special Exception

Cause#BZA-4-13

Applicant: Jacob Hodges

Location: Sec.34-32-6 – Wheatfield Twp. - St.Rd. 10 W. of 200W. S-side

Use: Gunsmithing, repairs of firearms and re-finishing of firearms

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Public hearing held pursuant to notice published March 15, 2013 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Jacob Hodges was present and stated that he came before the board last month. The application was continued due to the fact that he did not have a public notice sign posted on the property. The sign has since been posted on the property.

Chris Healey asked if anyone present had any opposition to the application.

Tom Mathis was present and stated that he feels this application conflicts with the comprehensive plan. He is strongly opposed to the applicant wanting to run a business from his residential property. He wanted to know when the property was subdivided and why there is only one driveway for two homes. He stated that the definition of an "Accessory Building" says they cannot operate a business from it. He understands that Mr. Hodges has purchased a building permit for an Accessory Building. He also found out that there is a business that is being run from Mr. Hodges parent's property, so there are 2 residents, 1 existing business and a proposed business sharing one driveway. He feels there should be at least 2 separate driveways for the traffic.

Mary Scheurich replied that they did not subdivide the property. The property is zoned A2 and his parents had a remaining 20 acres after they split 5 acres off to Jacob Hodges. They did not need to subdivide the property to do what they did. There is not a problem with them sharing a driveway. If something came up to where they needed to put their own driveway in they could do that. They have enough road frontage to construct a driveway if needed, our office has nothing to do with making sure they have a driveway or not. She also replied that Mr.

Hodges is asking for a Special Exception so he can then operate a business from his Accessory Building. If the Board does not grant the Special Exception application then he will not be allowed to operate a business from his Accessory Building, it would be for storage. This is considered a Type 3 home business that falls under his application and zoning.

Rhonda Mathews was present and wanted to know what kind of business he is proposing.

Jacob Hodges replied that he is asking to run a gunsmithing and hydrographic business from his property.

Attorney Sammons explained that the applicant came before the board last month and presented his evidence to the board members. Since he did not post a public hearing sign on his property the board continued the application for tonight. That is why the applicant has not explained what he is proposing to do.

Jim Martin made the motion to grant approval for the special exception. Motion was seconded by Eric Maple and carried unanimously.

Chairman Healey stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Special Exception 9.14 (7) (a)(i) through (vi).

Chris Healey then read each of the proposed findings to the Board as follows:

- i. The proposed special exception is consistent with the purpose of the zoning district and the *Jasper County Comprehensive Plan*; Motion was made by Eric Maple that the special exception met the criteria states in i. Motion was seconded by Jim Martin and carried unanimously.
- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community; Motion was made by Jim Martin that the special exception met the criteria states in ii. Motion was seconded by Eric Maple and carried unanimously.
- iii. iii. The proposed special exception is in harmony with all adjacent land uses; Motion was made by Eric Maple that the special exception met the criteria states in iii. Motion was seconded by Jim Martin and carried unanimously.
- iv. iv. The proposed special exception will not alter the character of the district; Motion was made by Jim Martin that the special exception met the criteria states in iv. Motion was seconded by Eric Maple and carried unanimously.
- v. The proposed special exception will not substantially impact property value in an adverse manner; Motion was made by Eric Maple that the special exception met the criteria states in v. Motion was seconded by Jim Martin and carried unanimously.

- vi. no appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception. Motion was made by Jim Martin that the special exception met the criteria states in ii. Motion was seconded by Eric Maple and carried unanimously.

Upon the passage of the findings of facts the motion to approve the special exception carried unanimously.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Chris Healey, President